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PTO/SB/21 (09-04)  
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## TRANSMITTAL FORM

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Total Number of Pages in This Submission

5+

Application Number

10/650,114

Filing Date

August 26, 2003

First Named Inventor

Erkki Heinonen

Art Unit

3743

Examiner Name

Andrea M. Ragonese

Attorney Docket Number

2532-00323

### ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/  
Incomplete Application



Reply to Missing Parts  
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a  
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



Landscape Table on CD

Remarks



After Allowance Communication to TC



Appeal Communication to Board  
of Appeals and Interferences



Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify  
below):

Return Receipt Postcard

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Andrus, Scales, Starke & Sawall, LLP

Signature

*Daniel D. Fetterley*

Printed name

Daniel D. Fetterley

Date

05/13/2005

Reg. No.

20,323

### CERTIFICATE OF TRANSMISSION/MAILING

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05/13/2005

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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/650,114  
Applicant : Erkki Heinonen  
Filed : August 26, 2003  
Title : Method for Indicating the Amount of Ventilation  
Inhomogeneity in the Lung  
  
TC/A.U. : 3743  
Examiner : Andrea M. Ragonese  
  
Docket No. : 2532-00323

REQUEST FOR RECONSIDERATION OF REJECTION  
AND ARGUMENT FOR ALLOWANCE

Milwaukee, Wisconsin 53202  
May 13, 2005

Commissioner for Patents  
Mail Stop - Amendment - Fee  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action

In the Office Action of December 13, 2004, claims 1-7 of the present application were rejected under 35 U.S.C. §102 on the inventor's earlier work set out in U.S. Patent 6,139,506.

Reconsideration and withdrawal of this rejection is respectfully requested in view of the following argument for allowance pointing out the differences between the method claimed in the present application and that forming the subject matter of the inventor's earlier U.S. Patent 6,139,506.

The Present Invention

As a preliminary matter, the following should be kept in mind. The Office Action notes in several instances that the Heinonen '506 patent shows apparatus "capable of performing a method...."

It is recognized that both the present application, and the '506 patent show ventilator apparatus capable of carrying out a pulmonary measurement. It is for this reason